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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 3 June 2008 from the Permanent Mission of Pakistan to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Pakistan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to transmit herewith descriptive and tabulated accounts of the measures taken by the Government of Pakistan regarding the implementation of resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 3 June 2008 from the Permanent Mission of Pakistan to the United Nations addressed to the Chair of the Committee

Update on the implementation of Security Council resolution 1540 (2004) in Pakistan

In October 2004, Pakistan transmitted its national report on the legislative, regulatory and administrative framework that enables the Government of Pakistan to meet its commitments on the non-proliferation of weapons of mass destruction and their means of delivery (S/AC.44/2004/(02)/22). A comprehensive report in the form of a matrix was subsequently transmitted to the 1540 Committee in October 2005, detailing the legal, regulatory and administrative measures relevant to the implementation of the specific provisions of Security Council resolution 1540 (2004) (S/AC.44/2004/(02)/22/Add.1).

Since October 2005, the Government of Pakistan has taken a number of steps to further strengthen controls over goods, technologies, materials and equipment related to weapons of mass destruction and their means of delivery. An update on the measures adopted by the Government of Pakistan since October 2005 is given below:

(a) Adoption of national control lists: Pursuant to the Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004, in October 2005, the Government of Pakistan notified national control lists of goods, technologies, materials and equipment related to nuclear and biological weapons and their delivery systems, which are subject to strict export controls. These controls also extend to controls of re-exports, brokering and other transfers, transit and trans-shipment.

The control lists adopted by Pakistan encompass the lists and scope of export controls maintained by the Nuclear Suppliers Group, the Australia Group, which relates to biological agents and toxins, and the Missile Technology Control Regime. The classification system is based on the European Union's integrated list.

The control lists also provide for controls of technology and intangible transfers.

These lists were notified by a Statutory Regulatory Order and are included in Export Policy Order, 2007 issued by the Ministry of Commerce. The notification of the control lists in the Export Policy Order makes them enforceable by Pakistan Customs and other relevant enforcement agencies.

There are no exceptions to licensing requirements. The control lists will be kept under review and will be updated periodically.

The notification of the control lists further highlights Pakistan's policy to implement its national and international non-proliferation commitments as a responsible nuclear weapon State.

(b) Establishment of the Strategic Export Control Division: Pursuant to the Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004, an export control

authority, namely the Strategic Export Control Division has been established in the Ministry of Foreign Affairs.

The Strategic Export Control Division serves as an inter-agency mechanism for institutionalized implementation of export control policy, in line with legislative requirements and the formulation of rules and regulations on the export of controlled items. The Division has been designated as the licensing authority in respect of the goods, technologies, materials and equipment covered by the control lists and the implementation of the catch-all clause of the Export Control Act, 2004.

The Strategic Export Control Division will keep the control lists under constant review, in accordance with the requirements of the Export Control Act, 2004.

An oversight board to independently review the implementation of export controls has also been established.

(c) Nuclear Security Action Plan: In May 2006, the Government of Pakistan approved a Nuclear Security Action Plan which aims at (i) strengthening the safety and security of nuclear and radioactive materials and facilities containing such materials; (ii) prevention and detection of illicit trafficking in nuclear and other radioactive materials; and (iii) responding to incidents of illicit trafficking and nuclear and radioactive security emergencies. The Pakistan Nuclear Regulatory Authority is implementing the NSAP and is cooperating with the International Atomic Energy Agency (IAEA) on capacity-building in this regard.

The Pakistan Nuclear Regulatory Authority is using IAEA document INFCIRC/225, entitled "The Physical Protection of Nuclear Material and Nuclear Facilities" and the IAEA Code of Conduct on the Safety and Security of Radioactive Sources as guidance documents for the formulation of national regulations on nuclear security.

As part of the implementation of the Nuclear Security Action Plan, the Pakistan Nuclear Regulatory Authority is focusing on the following areas:

- Management of radioactive sources in categories 1, 2 and 3 and facilities containing such sources.
- Locating and securing orphan radioactive sources and the launch of a public information campaign in this regard.
- Provision of detection equipment at strategic points for the prevention and detection of illicit trafficking of radioactive and nuclear material and prompt response to radiological emergencies.
- Establishment of a National Nuclear Security Emergency Coordination Centre for coordination with such governmental agencies as Customs, border forces, local governments and Regional Directorates and Inspectorates of the Pakistan Nuclear Regulatory Authority in handling any nuclear security emergency at the national level. The Centre is being manned round the clock. Mobile monitoring laboratories, one at the Regional Directorate and one at the Regional Inspectorate, will also be established.
- Establishment of the Pakistan Nuclear Regulatory Authority Nuclear Safety and Security Training Centre.

(d) National Biological Weapons Convention implementation legislation: The existing laws and regulations provide the necessary legal basis to enable Pakistan to meet its obligations under the Biological Weapons Convention. However, with a view to strengthening and streamlining the national legislative and regulatory regime governing the use of biotechnology in Pakistan, a process for the drafting and adoption of new stand-alone national legislation was initiated in early 2006. Draft Biological Weapons Convention implementation legislation, prepared after an intricate interdepartmental process, is in advanced stages of enactment in accordance with national legislative procedures. The draft legislation provides for all the prohibitions and controls prescribed by the Biological Weapons Convention and Security Council resolution 1540 (2004) in relation to the designing, development, manufacturing, use, transport, import/export, sale, acquisition, and possession of biological weapons, including their means of delivery, along with appropriate penal provisions for violations.

(e) National Command Authority Ordinance, 2007: National Command Authority Ordinance, 2007 was promulgated to further strengthen and augment the national strategic regime. It provides enhanced legal coverage of security and safety measures on all matters concerning nuclear and space technologies, nuclear establishments, nuclear systems, nuclear materials, relevant personnel and related information, etc.

(f) Participation in the IAEA Illicit Trafficking Database: Since 2005, Pakistan has participated in the IAEA's Illicit Trafficking Database, which is a voluntary reporting mechanism for incidents of illicit trafficking and other related unauthorized activities involving nuclear and other radioactive materials. The Database is a key part of IAEA activities to strengthen nuclear security worldwide and prevent nuclear and radiological terrorism.

(g) Participation in the Global Initiative to Combat Nuclear Terrorism: In June 2007, Pakistan announced its participation in the Global Initiative to Combat Nuclear Terrorism by endorsing the Statement of Principles of the Initiative.

Pakistan's participation in the Global Initiative, which aims at enhancing cooperation among and the capacity of partner nations to combat the threat of nuclear terrorism, is a manifestation of Pakistan's commitment to work as a partner with the international community against nuclear proliferation and terrorism.

(h) Container Security Initiative (CSI): Pakistan is participating in the United States Container Security Initiative. Under the CSI, containerized cargo bound for the United States of America is targeted and pre-screened before leaving Port Qasim, Karachi. Pakistan's participation in the CSI is a demonstration of its commitment to the objectives of non-proliferation and international efforts against the threat of terrorism.

Matrix of steps taken by Pakistan regarding the implementation of Security Council resolution 1540 (2004)

Relevant 1540 provisions	*Steps taken by Pakistan*
OP 2 (Biological Weapons)	**National Biological Weapons Convention implementation legislation**: The existing laws and regulations provide the necessary legal basis to enable Pakistan to meet its obligations under the Biological Weapons Convention. However, with a view to strengthening and streamlining the national legislative and regulatory regime governing the use of biotechnology in Pakistan, a process for the drafting and adoption of new stand-alone national legislation was initiated in early 2006. Draft Biological Weapons Convention implementation legislation, prepared after an intricate interdepartmental process, is in advanced stages of enactment, in accordance with national legislative procedures. The draft legislation provides for all the prohibitions and controls prescribed by the Biological Weapons Convention and resolution 1540 (2004) in relation to the designing, development, manufacturing, use, transport, import/export, sale, acquisition and possession of biological weapons, including their means of delivery, along with appropriate penal provisions for violations.
OP 2 (Biological, Chemical and Nuclear Weapons) OP 3 (a) and (b) (Account for/secure/physically protect BW, CW, NW and related materials)	**National Command Authority Ordinance, 2007**: National Command Authority Ordinance, 2007 was promulgated to further strengthen and augment the national strategic regime. It provides enhanced legal coverage of security and safety measures on all matters concerning nuclear and space technologies, nuclear establishments, nuclear systems, nuclear materials, relevant personnel and related information, etc.
OP 3 (a) and (b) (Account for/secure/physically protect NW and related materials) OP 3 (c) and (d) and related matters from OP 6 and OP 10 (Controls of NW including related materials)	**Nuclear Security Action Plan (NSAP)**: In May 2006, the Government of Pakistan approved a Nuclear Security Action Plan which aims at (i) strengthening the safety and security of nuclear and radioactive materials and facilities containing such materials; (ii) prevention and detection of illicit trafficking in nuclear and other radioactive materials; and (iii) responding to incidents of illicit trafficking and nuclear and radioactive security emergencies. The Pakistan Nuclear Regulatory Authority (PNRA) is implementing the NSAP and is cooperating with IAEA on capacity-building in this regard. The PNRA is using IAEA document INFCIRC/225 entitled "The Physical Protection of Nuclear Material and Nuclear Facilities" and the IAEA Code of Conduct on the Safety and Security of Radioactive Sources as guidance documents for the formulation of national regulations on nuclear security.

Relevant 1540 provisions	*Steps taken by Pakistan*
	As part of the implementation of the NSAP, the PNRA is focusing on the following areas:
	• Management of radioactive sources in Categories 1, 2 and 3 and facilities containing such sources.
	• Locating and securing orphan radioactive sources and the launch of a public information campaign in this regard.
	• Provision of detection equipment at strategic points fo the prevention and detection of illicit trafficking of radioactive and nuclear material and prompt response radiological emergencies.
	• Establishment of a National Nuclear Security Emerge Coordination Centre (NuSECC) for coordination with such governmental agencies as Customs, border force local governments and PNRA Regional Directorates a Inspectorates in handling any nuclear security emergency at the national level. NuSECC is being manned round the clock. Mobile monitoring laborator one at the Regional Directorate and one at the Regiona Inspectorate will also be established.
	• Establishment of the PNRA Nuclear Safety and Secur Training Centre.
OP 3 (a) and (b) (Account for/secure/physically protect NW and related materials) OP 3 (c) and (d) and related matters from OP 6 and OP 10 (Controls of NW including related materials)	**Participation in the IAEA Illicit Trafficking Database (ITDB)**: Since 2005, Pakistan has been participating in the IAEA's Illicit Trafficking Database (ITDB), which is a voluntary reporting mechanism for incidents of illicit trafficking and other related unauthorized activities involvi nuclear and other radioactive materials. The ITDB is a key contributor to IAEA's activities to help strengthen nuclear security worldwide and prevent nuclear and radiological terrorism.
OP 3 (a) and (b) (Account for/secure/physically protect NW and related materials) OP 3 (c) and (d) and related matters from OP 6 and OP 10 (Controls of NW including related materials)	**Participation in the Global Initiative to Combat Nuclear Terrorism**: In June 2007, Pakistan announced its participation in the Global Initiative to Combat Nuclear Terrorism by endorsing the Statement of Principles of the Initiative. Pakistan's participation in the Global Initiative, which aims enhancing cooperation among and the capacity of partner nations to combat the threat of nuclear terrorism, is a manifestation of Pakistan's commitment to work as a partn with the international community against nuclear proliferat and terrorism.

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OP 3 (c) and (d) and related matters from OP 6 and OP 10 (Controls of BW, NW including related materials) OP 6, 7 and 8 (d) (Control Lists, Assistance, Information)	**Adoption of national control lists**: Pursuant to the E Control on Goods, Technologies, Material and Equipn related to Nuclear and Biological Weapons and their I Systems Act, 2004, in October 2005, the Government Pakistan notified national control lists of goods, techn materials and equipment related to nuclear and biolog weapons and their delivery systems, which are subject strict export controls. These controls also extend to co over re-exports, brokering and other transfers, transit trans-shipment. The control lists adopted by Pakistan encompass the i scope of export controls maintained by the Nuclear Su Group, the Australia Group, which relates to biologica and toxins, and the Missile Technology Control Regim classification system is based on the European Union's integrated list. The control lists also provide for controls of technolog intangible transfers. These lists were notified by a Statutory Regulatory Or are included in Export Policy Order, 2007 issued by th Ministry of Commerce. The notification of the control the Export Policy Order makes them enforceable by Pa Customs and other relevant enforcement agencies. There are no exceptions to licensing requirements. The control lists will be kept under review and will be upda periodically. The notification of the control lists further highlights Pakistan's policy to implement its national and internat non-proliferation commitments as a responsible nuclea weapon State.

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OP 3 (c) and (d) and related matters from OP 6 and OP 10 (Controls of BW, NW including related materials) OP 6, 7 and 8 (d) (Control Lists, Assistance, Information)	**Establishment of Strategic Export Control Division (SECDIV)**: Pursuant to the Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004, an export control authority, namely the Strategic Export Control Division (SECDIV) was established in the Ministry of Foreign Affairs. SECDIV serves as an inter-agency mechanism for institutionalized implementation of export control policy, in line with legislative requirements and the formulation of rules and regulations on the export of controlled items. SECDIV has been designated as the licensing authority in respect of the goods, technologies, materials and equipment covered by the control lists and the implementation of the catch-all clause of the Export Control Act, 2004. SECDIV will keep the control lists under constant review, in accordance with the requirements of the Export Control Act, 2004. An oversight board to independently review the implementation of export controls has also been established.